

Public Safety Advisory Board

2021 Legislative Police Reform
Bills - Passed



HB 2162:	Accreditation Requirements & Equity Training (Ways and Means)	Page 1
HB 2481:	Military Equipment Procurement Restrictions	Page 3
HB 2513:	Airway & Circulatory Training and Response	Page 6
HB 2575:	Trauma-Informed Training Grants and Policy (Ways and Means)	Page 8
HB 2928:	Chemical Incapacitants, Projectiles & Sound Devices (Ways and Means)	Page 14
HB 2929:	Duty to Intervene & Report Clarification	Page 17
HB 2930:	Police Misconduct Arbitration Proceedings (Ways and Means)	Page 20
HB 2932:	Use of Force Reporting (Ways and Means)	Page 24
HB 2936:	Law Enforcement Officer Speech and Hiring Tools	Page 25
HB 2986:	Training Re Crimes Based on Gender Bias	Page 28
HB 3047:	Doxing Cause of Action	Page 29
HB 3059:	Unlawful Assembly Modernization	Page 31
HB 3145:	Misconduct Reporting and Public Database (Ways and Means)	Page 32
HB 3164:	Interfering with a Police Officer Changes	Page 34
HB 3273:	Booking Photo Release Restrictions	Page 35
HB 3355:	Crowd Management Uniforms/Officer Identification	Page 37

HB 2162: ACCREDITATION REQUIREMENTS & EQUITY TRAINING

KEY PROVISIONS INCLUDE:

- Directs the Department of Public Safety Standards and Training to designate one or more accrediting bodies for law enforcement agencies with 35 or more sworn police officers.
- Requires law enforcement agencies with 100 or more sworn police officers to be accredited no later than July 1, 2025.
- Requires law enforcement agencies with 35 or more sworn police officers to be accredited no later than July 1, 2026.
- Directs department to report to Legislative Assembly on amount of additional instruction hours necessary to expand equity training in basic training course for police officers.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2162: ACCREDITATION REQUIREMENTS & EQUITY TRAINING continued.....

KEY PROVISIONS INCLUDE:

- Adds two public members to Board of Public Safety Standards and Training and adds one public member to Police Policy Committee.
- Directs department to develop statewide equity training program for police officers and require training for basic certification as police officer..
- Provides that police officer certification may be denied, suspended or revoked if and officer has been discharged for cause for use of excessive force, abuse of lawful authority or discriminatory policing.
- Takes effect on the 91st day after the date on which the 2021 regular session adjourns.

HB 2481: MILITARY EQUIPMENT PROCUREMENT RESTRICTIONS

KEY PROVISIONS INCLUDE:

- Prohibits a law enforcement agency from receiving the following property from a military surplus program operated by the federal government:
 - (a) Unmanned aircraft systems that are armored or weaponized;
 - (b) Aircraft that are combat-configured or combat-coded;
 - (c) Grenades or similar explosives, or grenade launchers; or
 - (d) Firearms silencers.
- Provides that a law enforcement agency purchasing allowable property from a military surplus program may only use state or local funds and may not use federal funds for the purchase.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2481: MILITARY EQUIPMENT PROCUREMENT RESTRICTIONS -continued

Authorizes a law enforcement agency to purchase surplus military property, that isn't otherwise prohibited, if the following requirements are satisfied:

- For Local law enforcement agencies with jurisdiction over a municipality or tribal lands, requires written approval from the governing body of the municipality or tribal lands for receipt of the property.
- For County Sheriff's Offices:, requires sheriff's office to notify the board of county commissioners or county court in writing at least 5 days before requesting the property. Requires written notice to include information about the type of equipment requested, the estimated cost savings to the county if the request is granted, the estimated costs of refurbishing or repairing the equipment and the intended use by the sheriff for the property.

For a law enforcement agency within a state agency or special government body, including the Department of Justice, requires written approval from the director, or the person in a position equivalent to a director, of the state agency or special government body.

- For a law enforcement agency that is a state agency, Requires written approval from the person or entity with the authority to appoint and remove the director, or the person in a position equivalent to a director, of the state agency.
- Requires a law enforcement agency requesting property from a military equipment surplus program to public notice of the request on a publicly accessible website within 14 days after the request.
- Takes effect on the 91st day after the date the 2021 Legislative Session adjourns.

HB 2513: AIRWAY & CIRCULATORY TRAINING AND RESPONSE

KEY PROVISIONS INCLUDE:

Adds at least three hours of training in airway and circulatory anatomy and physiology to the minimum training required for basic certification as a police officer.

- Adds certification in adult and child cardiopulmonary resuscitation for basic certification as a police officer.
- Requires at least two hours of training in airway and circulatory anatomy and physiology in each three-year maintenance training period.
- Requires police officers to maintain a certification in adult and child cardiopulmonary resuscitation.

Requires a peace officer, as defined in ORS 161.015, to immediately request emergency medical services when they encounter a restrained person suffering from a respiratory or cardiac compromise if:

- It is tactically feasible to request emergency medical services; and
- The officer has access to communications
- Takes effect on January 1st, 2022.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2575: TRAUMA-INFORMED TRAINING GRANTS AND POLICY

KEY PROVISIONS INCLUDE:

- Directs the Department of Justice (DOJ) to establish a program for awarding grants to law enforcement agencies and local governments to fund training for groups and agencies that interact with persons who have experienced trauma.
- Allows a law enforcement agency or local government to apply for a grant to fund training for an established trauma-informed training program provided by an outside entity or for the development of a new training program for law enforcement agencies, district attorneys, sexual assault nurse examiners, emergency communications workers, victim advocates or for other group or agency appropriate to receive the training. Tasks the Department of Justice with establishing the application process and eligibility criteria for the grant program by rule in keeping with the model training program described in the bill and tasks the department with establishing the grant award process.
- Directs DOJ to award grants in accordance with the rules no later than July 1, 2023 and requires them to consider the grant applicants community partnerships as part of the grant award process.
- Requires the DOJ to develop a model training program for groups and agencies that interact with persons who have experienced trauma.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2575: TRAUMA-INFORMED TRAINING GRANTS AND POLICY continued.....

KEY PROVISIONS INCLUDE:

Requires the model trauma-informed training program to include the following as a minimum:

- Be research-based and take into account the psychological and neurological effects of trauma;
- Utilize best practices when recommending techniques for interacting with persons who have experienced trauma;
- Have the objective of minimizing further trauma; and
- Take into account the impact of structural racism and other forms of historical trauma.

Requires DOJ to consult with subject matter experts from community-based organizations, including organizations that represent individuals who are Black, Indigenous and People of Color (BIPOC) as part of the rulemaking process.

- Tasks DPSST in consultation with the DOJ to develop best practices for law enforcement agencies when interacting with persons who have experienced trauma.
- Requires the trauma-informed best practices to include alternative options for law enforcement agencies of varying size and resource capacity.

HB 2575: TRAUMA-INFORMED TRAINING GRANTS AND POLICY continued.....

Requires the trauma-informed best practices to:

- (A) Be research-based and take into account the psychological and neurological effects of trauma;
- (B) Recommend techniques for interacting with persons who have experienced trauma;
- (C) Have the objective of minimizing further trauma;
- (D) Take into account the impact of structural racism and other forms of historical trauma;
- (E) Require law enforcement officers to consider the effects of trauma when working on a case;
- (F) Recommend techniques for interviewing persons who have experienced trauma; and
- (G) Provide recommendations for writing reports based on interviews with persons who have experienced trauma

HB 2575: TRAUMA-INFORMED TRAINING GRANTS AND POLICY continued.....

Requires law enforcement agencies to adopt appropriate best practice policies for interacting with persons who have experienced trauma no later than the date established by DPSST by rule.

- Requires DPSST to regularly review and, if necessary, update trauma-informed training, consistent with the model training program developed by DOJ for all police officers who enter the training academy operated by DPSST.
- Takes effect on the 91st day after the date the 2021 Legislative Session adjourns.

HB 2928: CHEMICAL INCAPACITANTS, PROJECTILES & SOUND DEVICES

KEY PROVISIONS INCLUDE:

- Defines chemical incapacitant, key component of a binary or multicomponent chemical system, kinetic impact projectile, law enforcement agency, precursor, and toxic chemical for purposes of the measure.
- Prohibits a law enforcement agency from using a chemical incapacitant for crowd control, except when:

The circumstances constitute a riot as defined in ORS 166.015; and

The officer using the chemical incapacitant reasonably believes, when and to the extent the chemical incapacitant is used, that the use of the chemical incapacitant is necessary to terminate and prevent furtherance of riotous behavior.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2928: CHEMICAL INCAPACITANTS, PROJECTILES & SOUND DEVICES continued....

- Prohibits a law enforcement agency from using a kinetic impact projectile for crowd control that intentionally targets the head of a person, except against an individual engaged in conduct justifying the use of deadly force by a police officer.
- Prohibits a law enforcement agency from using a sound device for crowd control for any purpose other than announcements. When possible, a law enforcement agency shall provide announcements for crowd control both audibly and visibly.
- When using chemical incapacitants, kinetic impact projectiles or sound devices, a law enforcement agency shall do the following when it is safe to do so:
 - Attempt to take injured persons to safety or allow injured persons to seek medical help
 - May not prevent emergency medical services from reaching injured persons
 - Take reasonable action to accommodate disabilities when issuing or enforcing orders to disperse. Inform federal law enforcement agencies of the requirements

STATUS:
Passed House & Senate
Pending Governor Signature

HB 2928: CHEMICAL INCAPACITANTS, PROJECTILES & SOUND DEVICES continued....

- Prohibits a law enforcement agency or a person acting on behalf of a law enforcement agency from:
- Using a proxy law enforcement agency to enact measures that a court or state has barred the law enforcement agency from using.
- Act in concert with another law enforcement agency to engage in misconduct barred by a court order or statute.
- Provides that a violation of the prohibition on using a proxy or acting in concert with another agency in contradiction to a court order or statute constitutes official misconduct in the second degree.
- Emergency Clause: Takes effect on the date the Governor signs the bill into law.

HB 2929: DUTY TO INTERVENE & REPORT

KEY PROVISIONS INCLUDE:

- Removes the requirement that an officer intervene for misconduct by another officer that constitutes a violation of the minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel.
- Clarifies that an officer that witnesses another officer engaged in misconduct including unjustified or excessive use of force, sexual harassment or sexual misconduct, discrimination, a crime; or violation of the minimum standards for fitness shall make a report as soon as practicable, but no later than 72 hours after witnessing the misconduct.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2929: DUTY TO INTERVENE & REPORT

KEY PROVISIONS continued:

- Clarifies that a law enforcement officer who witnesses another officer engaged in misconduct shall report to:

- A direct supervisor of the reporting officer;
- A person in the reporting officer's chain of command; or
- The Department of Public Safety Standards and Training.

- Requires a person who receives a report of misconduct, if they do not have the authority to direct an investigation into the misconduct, to forward the report to a person who has the authority to direct an investigation into the alleged misconduct as soon as practicable but no later than 72 hours after receiving the report.

- Requires a law enforcement unit that receives a report of misconduct or violation to complete an investigation within three months after the date of the report unless circumstances prevent the investigation from being completed.

HB 2929: DUTY TO INTERVENE & REPORT

KEY PROVISIONS continued:

- Requires a law enforcement agency to notify the Department of Public Safety Standards and Training when an investigation results in a finding that sustains a report of misconduct but need not notify the department when an investigation results only in a finding that sustains a report of a violation of the minimum standards for physical, emotional, intellectual and moral fitness.
- Requires DPSST to establish and maintain a form for reports of misconduct.
- Requires DPSST to forward reports of misconduct concerning a police officer that they receive to the law enforcement unit employing the officer for investigation.
- Takes effect on January 1st, 2022.

HB 2930: POLICE MISCONDUCT ARBITRATION PROCEEDINGS

KEY PROVISIONS INCLUDE:

- Removes discipline matrix or discipline guide as a mandatory subject of collective bargaining for law enforcement.
- Establishes the Commission on Statewide Law Enforcement Standards of Conduct and Discipline (Commission) for the purpose of adopting statewide uniform rules through a public process for:
 - Standards of conduct, including guidelines and procedures
 - Disciplinary standards and procedures, including a range of disciplinary actions that may include consideration of aggravating or mitigating circumstances.
- Specifies the membership of the Commission, requires the commission to establish an open hearings process that includes public notice, outreach, and public hearings.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2930: POLICE MISCONDUCT ARBITRATION PROCEEDINGS

KEY PROVISIONS Continued:

- Requires the uniform standards to address, at a minimum, standards of conduct and discipline regarding:
 - Unjustified or excessive use of physical or deadly force;
 - Sexual harassment;
 - Sexual Assault;
 - Assault
 - Conduct that is motivated by or based on a real or perceived factor of an individual's race, ethnicity, national origin, sex, gender identify, sexual orientation, religion or homelessness;
 - Moral character; and
 - The use of drugs or alcohol while on duty.

HB 2930: POLICE MISCONDUCT ARBITRATION PROCEEDINGS

KEY PROVISIONS Continued:

- Requires the Employment Relations Board (ERB) to appoint an arbitrator from a list of qualified, indifferent, unbiased arbitrators & Allows each party an opportunity to object to the ERB's appointed arbitrator.
- Requires law enforcement agencies and arbitrators presiding over alleged misconduct cases to make discipline determinations that adhere to the rules adopted by the Commission.
- Requires that the standard arbitrators apply in police discipline cases be just cause. Defines “just cause” as a cause reasonably related to the public safety officer’s ability to perform required work. The term includes a willful violation of reasonable work rules, regulations, or written policies.
- Sets the standard of evidence at preponderance of the evidence.

HB 2930: POLICE MISCONDUCT ARBITRATION PROCEEDINGS

KEY PROVISIONS Continued:

- Requires the employer to show: (1) the officer engaged in misconduct, and (2) the discipline met the statutory just cause standard.
- Requires the arbitrator, when determining the reasonableness of the disciplinary action imposed by an agency, to uphold the discipline unless it is arbitrary and capricious.
- Prohibits arbitrator from overturning or reducing discipline of termination if doing so would be inconsistent with the public interest.
- Applies to collective bargaining agreements entered into after the effective date of the act. States the terms in the measure are not subject to collective bargaining.
- Requires the Commission to adopt and publish rules establishing the uniform standards by October 1, 2022.
- Emergency Clause: Remainder takes effect when Governor signs the bill into law.

HB 2932: USE OF FORCE REPORTING

KEY PROVISIONS INCLUDE:

- Requires police agencies to participate in the National Use-of-Force Data Collection operated by the Federal Bureau of Investigation.
- Requires the Criminal Justice Commission to analyze data from the FBI Use of Force Database and submit a report on the analysis to an appropriate committee or interim committee of the Legislative Assembly.
- Takes effect on January 1st, 2022.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2936: LAW ENFORCEMENT OFFICER SPEECH AND HIRING TOOLS

KEY PROVISIONS INCLUDE:

- Makes findings that racism has no place in public safety and that law enforcement officers hold a unique position in our community. Finds that membership or participation in hate groups, racial supremacist organizations, militant groups, or the display of such symbols erodes public trust in law enforcement.
- Requires DPSST to create a statewide uniform background checklist and standardized personal history questionnaire for use by law enforcement units in hiring process. Requires law enforcement agencies to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment. Applies to all forms of speech and expression. Specifies that policies must not violate constitutional rights to free speech and expression.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 2936: LAW ENFORCEMENT OFFICER SPEECH AND HIRING TOOLS

KEY PROVISIONS INCLUDE:

- Requires a pre-employment background to include a description of the investigation, including information about: a psychiatric or psychological evaluation of the applicant and an evaluator's assessment of the applicant's tendencies, feelings, and opinions on diverse cultures, races, and ethnicities and differing social, political, economic, and life statuses, investigation into applicant's finances; and identification of at least three references provided by the applicant and interviewed by law enforcement unit.
- Requires employers to provide employment information to law enforcement units for the purpose of hiring public safety officers when the request is made in writing and accompanied by a notarized authorization of applicant releasing employer from liability.

HB 2936: LAW ENFORCEMENT OFFICER SPEECH AND HIRING TOOLS

KEY PROVISIONS INCLUDE:

- Authorizes a law enforcement unit to bring an action for an injunction in circuit court to compel an employer to disclose employment information under this section.

Limits disclosure of employment information received by a law enforcement agency only to other law enforcement agencies for investigative leads and shall independently verify the information.

- Exempts law enforcement units from prohibition on employer access to personal social media accounts for purposes of hiring.

- Takes effect on January 1st, 2022. Uniform background and standardized personal history checklists not required for hiring corrections officers until July 1, 2023

HB 2986: TRAINING RE CRIMES BASED ON GENDER BIAS

KEY PROVISIONS INCLUDE:

- Requires the Board on Public Safety Standards and Training to ensure all police officers and certified reserve officers receive training related to investigating, identifying, and reporting crimes motivated by prejudice based on perceived gender of the victim.
- The minimum statewide qualifications for employment as a law enforcement officer are established in rule by the Department of Public Safety Standards and Training (DPSST). The rules specify that all law enforcement officers must receive training on the investigation, identification and reporting of crimes motivated by prejudice based on perceived race, color, religion, national origin, sexual orientation, marital status, political affiliation or beliefs, membership or activity in or on behalf of a labor organization or against a labor organization, physical or mental disability, age, economic or social status or citizenship of the victim (see OAR 259-008-0085(1)(b)(E)). HB 2986 adds gender to this list.
- Takes effect on the 91st day after the date of the 2021 legislative Session adjourns.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3047: DOXING CAUSE OF ACTION

KEY PROVISIONS INCLUDE:

- Creates civil cause of action for the improper disclosure of personal information.
- Provides that the plaintiff must prove that the defendant knowingly, and without consent, disclosed the personal information of the plaintiff with the intent to stalk, harass, or injure the plaintiff.
- Requires that the plaintiff further prove that they were actually stalked, harassed, or injured by the disclosure and that a reasonable person would also have been stalked, harassed, or injured by the disclosure.

Provides that a plaintiff who proves their claim is eligible for economic and noneconomic damages, punitive damages, injunctive relief, reasonable attorney fees, and other appropriate equitable relief. Imposes two-year statute of limitations.

- Defines "disclose," "injure," harass," "personal information," and "stalk."
- Emergency Clause: Takes effect when the Governor signs the bill into law.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3059: UNLAWFUL ASSEMBLY MODERNIZATION

KEY PROVISIONS INCLUDE:

- Currently, ORS 131.675 directs local authorities to go amongst any unlawfully or riotously assembled group and command them to disperse. If the group does not immediately disperse after being commanded to do so, the local authorities shall go among the persons assembled and shall arrest them or cause them to be arrested.
- House Bill 3059 A amends ORS 131.675 to allow officials to go among the persons assembled and order the persons to disperse and removes the requirement to arrest persons who fail to disperse as ordered.
- Takes effect on January 1st, 2022.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3145: MISCONDUCT REPORTING AND PUBLIC DATABASE

KEY PROVISIONS INCLUDE:

KEY PROVISIONS INCLUDE:

Requires a law enforcement agency to report discipline imposed on a police officer that includes an economic sanction to DPSST once the discipline is final and the arbitration process is complete. The report must include:

- The name and rank of the officer disciplined;
- The name of the law enforcement unit at which the officer is or was employed; and
- A description of the facts underlying the discipline imposed, including a copy of any final decision.

Requires DPSST to add the reported discipline of police officers involving economic sanctions to the statewide online database of suspensions and revocations of police officers that is accessible by the public.

- Requires DPSST to publish the information related to sustained economic discipline of an officer within 10 days after receiving the notice of the discipline.
- Takes effect on January 1st, 2022.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3164: INTERFERING WITH A POLICE OFFICER CHANGES

KEY PROVISIONS INCLUDE:

- Removes refusal to obey a lawful order by a peace officer as an element constituting the crime of interfering with a police officer.
- Provides that crime of interfering with a police officer occurs when a person intentionally **or knowingly** acts in a manner that prevents, or attempts to prevent, the peace officer or parole and probation officer from performing the lawful duties of the officer with regards to another person **or a criminal investigation.**
- Prohibits the arrest of a person for the crime of interfering with a peace officer if the person is arrested or charged for another offense based on the same conduct.
- Emergency Clause: Takes effect when the Governor signs the bill into law.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3273: BOOKING PHOTO RELEASE RESTRICTIONS

KEY PROVISIONS INCLUDE:

- Prohibits the release of a booking photo by a law enforcement agency to anyone except to:
 - the person in the booking photo;
 - another law enforcement agency for a law enforcement purpose;
 - the public, upon determination that there is a law enforcement purpose for the release;
 - a state mental hospital upon admission related to the arrest;
 - to a party or victim in the case for which the booking photo was obtained; or
 - the public, upon conviction resulting from the arrest from which the booking photo was obtained.
- Requires a publish-for-pay publication to remove and destroy a booking photo image upon request.
- Specifies fees a publication can require and civil damages that can be imposed for failure to remove image.
- Provides that a publisher conditioning removal of image upon payment of fee by person acquitted, not prosecuted, or who has had their conviction set aside, vacated, or pardoned, can be prosecuted for theft by deception under ORS 164.085.
- Takes effect January 1, 2022.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3355: CROWD MANAGEMENT UNIFORMS/OFFICER IDENTIFICATION

KEY PROVISIONS INCLUDE:

- Defines “crowd management” as a public security practice in which large crowds of 50 persons or more are managed to prevent the outbreak of crowd crushes, affrays, fights or riots.
- Specifies what identification must be on a law enforcement officer's uniform and gear during crowd management situations in cities with populations over 60,000.
- Directs law enforcement agency to adopt policy prohibiting the intentional obscuring of the required identification.

STATUS:

Passed House & Senate
Pending Governor Signature

HB 3355: CROWD MANAGEMENT UNIFORMS/OFFICER IDENTIFICATION

KEY PROVISIONS INCLUDE:

Requires a law enforcement officer who is on duty and assigned to work crowd control in a city over 60,000 population to have:

- The officer's first initial and last name, or a unique identifier assigned by the officer's law enforcement agency, affixed to the front and back of the officer's uniform;
- If wearing a tactical helmet and assigned a unique identifier by the officer's law enforcement agency, the unique identifier affixed to the back of the officer's helmet;
- The name of the jurisdiction of the officer's law enforcement agency and the word "POLICE," "SHERIFF" or "TROOPER" on the front and back of the officer's uniform;
- A patch signifying the officer's law enforcement agency affixed to one shoulder.

Requires a law enforcement officer to provide their name and identifying number, or a business card, to a member of the public upon request if practical, safe, and tactically feasible.

- Provides process by which a member of the public can request and obtain the name and state assigned identifying number of an officer from a law enforcement agency and allows exception if officer is participating in an undercover operation.
- Exempts the Oregon State Police
- Uniform requirements are operative 90 days after the effective date of the act. Provisions requiring officers to provide name & identifying number take place on the date when the Governor signs the bill into law.